**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.**

**Case No. : C.R.No.6419 of 2006**
**Date of Decision : December 01, 2006.**

Harbans Singh ..... Petitioner

Vs.

Karamjit Kaur and another ..... Respondents

**Coram : Hon'ble Mr.Justice P.S.Patwalia**

* * *

Present : Mr.Ashish Grover, Advocate
for the petitioner.

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**P.S.Patwalia, J. (Oral) :**

The present revision petition has been filed challenging the order dated 17.08.2006 passed by the learned Additional District Judge, Muktsar granting interim injunction to the plaintiff, respondent herein. The lower appellate court perused the *akas shajra* placed on record and thereafter returned the following findings :-

> *"In order to properly appreciate the above contentions of the ld. counsel for both the parties, I deem it necessary to discuss the revenue record as placed on the file by both the parties. The respondent-defendant have also placed on file two akas shajras kilabandi of village Fatuhiwala. In one of the said akas shajra dated 18.4.2006 only land bearing khasra no.13/2 has been shown along with some other khasra numbers and whereas the remaining two khasra numbers in dispute i.e. 9/1 and 8/2 are not shown in this akas*

*shajra. So far as the second akas shajra of the same date is concerned, it is also not found to be complete for the reason that land bearing khasra no.9/1, 8/2 and 13/2 has not been shown specifically in it. Then as above discussed, it is the case of the defendants that the land in dispute of the plaintiff is situated on the road which leads from village Fatuhiwala to Dabwali Mandi and that the plaintiff has never used the alleged passage in dispute for going to her fields. But in the above said both the akas shajra, the said alleged road which leads from village Fatuhiwala to Dabwali Mandi has not been shown anywhere. So it is difficult to say that the land in question of the appellant-plaintiff is situated on the said road, and the plaintiff has not been using the passage in dispute for going to the fields.*

*xx xx xx xx*

*As above discussed, in the copy of the akas shajra as placed on the file by the plaintiff, all the khasra numbers in dispute have been mentioned and the alleged passage in dispute is shown to be existing in between the land bearing khasra No.8/2 and 13/2 of Rect.No.50 leading upto the land bearing khasra no.9 of said rectangle. In this akas shajra alone it has nowhere been mentioned that the land of the plaintiff is situated on the road which goes from village Fatuhiwala to Mandi Dabwali."*

Learned counsel for the petitioner has also drawn my attention to the same *akas shajra* attached as Annexure P-1 to this petition. He states

that the passage is going up to the land of the plaintiff and thereafter stops. I am of the opinion that this *akas shajra* clearly shows that passage between the land of the respondent is actually going up to the land of the petitioner. Therefore I find no error in the view taken by the learned Additional District Judge, Muktsar granting interim injunction to the plaintiff.

The present revision petition is accordingly dismissed.

December 01, 2006 ( P.S.Patwalia )
*monika* Judge